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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,173	12/18/2001	Olaf Storaasli	A8268	9311

7590

06/09/2003

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EXAMINER

STRECKER, GERARD R

ART UNIT

PAPER NUMBER

2862

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/020,173

Applicant(s)

Storaasli

Examiner

Gerard Strecker

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 31, 2003 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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The disclosure is objected to because of the following informalities: On page 1; at the third line of paragraph [02], the language "around with" is awkward. At page 3, lines 6, 7, "to have withstand" is awkward.

Appropriate correction is required.

With respect to applicant's IDS, it is not clear why the numerous patents relating to filter technology were cited.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 6-9 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Blew et al (5,448,670).

Blew et al discloses (Figs. 5 and 6 and col. 7, line 59-col. 8, line 18) a central tube cable, comprising: a cable jacket 35' defining an optical fiber cavity therein; at least one radial strength member 34' embedded in said jacket; a plurality of optical fibers 33' disposed within said optical

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fiber cavity; and a bundle support member 36 disposed inside said optical fiber cavity, limiting movement of said optical fibers with respect to said bundle support member. The optical fibers are housed within buffer tubes which are helically stranded (claims 2, 6-8, 15, 17-19) or reverse helical stranded, which would implicitly include S-Z stranding (claims 3, 9, 16, 20) around the bundle support member. With respect to claim 14, the bundle support member of Blew et al may be described as string-like.

Claims 4, 5, 10-13, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blew et al (5,448,670) in view of Plessner et al (4,709,983, cited in applicant's IDS) and Rahman et al (5,390,273).

Since Blew et al does not describe the material of which support member 36 is made, it is not clear whether support member is rigid or flexible (claims 4, 5). Nor does Blew et al hold the optical fibers together as an optical fiber ribbon (claims 10-13, 21, 22).

Plessner et al discloses (Fig. 2) an optical fiber cable with flexible bundle support member (1, 2, 3, 4, Fig. 1) and a plurality of optical fibers 15 held together as an optical fiber ribbon (14). At col. 1, lines 26-64, Plessner et al also recognizes the use of rigid bundle support members.

Rahman et al discloses (Figs. 1, 2) an optical fiber cable having a plurality of optical fibers and reveals at col. 2, lines 28-44, that the fibers may be enclosed in tubes wound in helical or Sand Z fashion and that the central strength member (bundle support member) may be flexible or rigid.

The relative merits of rigid and flexible bundle support members are well known.

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It would have been obvious to one skilled in the art to make the bundle support member of Blew et al flexible or rigid, as taught by Blessner et al and Rahman et al, depending on whether it is desired to have the superior strength provided by a rigid member, or the ease of cable handling provided by a flexible member.

Adaptation of the cable of Blew et al to include ribbon supported fibers, as taught by Plessner et al, would have been obvious to one skilled in the art, ribbon cables providing the known advantage of enabling increased numbers of optical fibers to be used and restriction of the relative movement of the fibers.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Misono et al (JP 2-238412).

Misono et al discloses a central tube cable, comprising: a cable jacket (sheath 6) defining an optical fiber cavity therein; at least one radial strength member (steel wires 8) embedded in said jacket; a plurality of optical fibers 2 disposed within said optical fiber cavity; and a bundle support member 1 disposed inside said optical fiber cavity. The filamentary nature of the support member would enable characterization thereof as being string-like.

Fitz is made of record to show a fiber optic cable with S-Z stranded buffer tubes.

Gaillard et al and Anderson et al are made of record to show fiber optic cables having cable jackets with radial strength members.

Pfandl et al, Blew and Greveling et al are made of record to show fiber optic cables with central support members.


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Daneshvar et al is made of record to show a fiber optic cable with fiber ribbons.

Any inquiry concerning this communication should be directed to G.R. Strecker at telephone number 305-4937.

Strecker/ek

06/05/03

  
GERARD R. STRECKER  
PRIMARY EXAMINER